

REMARKS

Claims 1, 3, 5, 6, 8-10, 12, 13, 15, 17, 19-21, 23, 24, 26, 29, 31-33, 35, and 36 are pending. Claims 1, 5, 13, and 24 have been amended. Claims 2, 4, 7, 11, 14, 16, 18, 22, 25, 27, 28, 30, and 34 have been previously cancelled. New claim 36 has been added. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the October 5, 2007 Final Office Action, the Examiner rejected claims 1, 3, 5, 6, 8-10, 12, 13, 15, 17, 19-21, 23, 24, 26, 29, 31-33, and 35 under 35 U.S.C. §103 (a) as being obvious over Shaw, U.S. Patent No. 5,779,679 (hereinafter the Shaw I reference), in view of Shaw, U.S. Patent No. 6,210,371 (hereinafter the Shaw II reference). This rejection is respectfully traversed.

The Applicant's representative Mark Kendrick (48,468) conducted a telephonic interview with the Examiner on October 25, 2007 to discuss the filing of an RCE and preliminary amendment. In compliance with MPEP 713.04, Applicant's representative summarizes the substance of the interview as follows. During the interview, the Applicant's representative further explained the invention in view of the cited prior art. The Examiner further explained his interpretation of the cited prior art references and his 35 U.S.C. §103 (a) rejections. Applicant's representative emphasized that the amended claims now distinguish over the cited references.

Independent claim 1, as amended, recites:

A winged safety needle assembly, comprising:

a hub having a distal end, a proximal end, and an axial through hole, said hub further supporting a pair of flexible extension arms, said pair of flexible extension arms each having a shoulder that extends from said hub at approximately a center of said

hub, said pair of flexible extension arms extending toward the distal end of the hub;

a cannula joined to said hub adjacent the distal end of said hub, said cannula having a beveled edge at a distal end thereof;

a cylindrical sheath having a locking tab attached to an outer surface thereof by a hinge, said locking tab being rotateable over at least a 180 degree arc, said cylindrical sheath retaining said hub therein and having a distal end and a proximal end, said hub being slidable along an inner surface of said cylindrical sheath from a first position at which the distal end of said cannula joined to said hub projects beyond the distal end of said cylindrical sheath by a predetermined length, to a second position at which said distal end of the cannula is protectively contained within said cylindrical sheath;

a pair of flexible wings provided on the outer peripheral surface adjacent the distal end of said cylindrical sheath; and

a first locking mechanism and a second locking mechanism disposed on said assembly, said first locking mechanism releasably locking said hub and said cylindrical sheath at the first position, and said second locking mechanism unreleasably locking said hub and said cylindrical sheath at the second position, wherein said first locking mechanism comprises said pair of flexible extension arms supported by said hub and a groove formed on the inner surface of the distal end of said cylindrical sheath in combination with said locking tab and a slot in the cylindrical sheath, and when said hub is **locked at the first position** in relation to said cylindrical sheath a pair of tips of said pair of flexible extension arms releasably engages the groove, and said locking tab includes an **arc shaped projection** that is inserted through the slot in the cylindrical sheath to **directly engage** the shoulders of the pair of flexible extension arms, **said arc shaped projection having an arc length that extends over a 180 degree arc.**

The Examiner rejected claims 1, 3-6, 8-10, 12, 13, 15-17, 19-21, 23, 24, 26-29, 31-33, and 35 under 35 U.S.C. §103 (a) as being obvious over the Shaw I reference, in view of the Shaw II reference.

The Shaw I reference and the Shaw II reference do not disclose, teach, or suggest the winged safety needle assembly specified in independent claim 1, as amended. Unlike the winged safety needle assembly specified in independent claim 1 as amended, the Shaw I reference and the Shaw II reference do not show that “when said hub is **locked at the first position** in relation to said cylindrical sheath a pair of tips of said pair of flexible extension arms releasably engages the groove, and said locking tab includes an **arc shaped projection** that is inserted through the slot in the cylindrical sheath to **directly engage** the shoulders of the pair of flexible extension arms, **said arc shaped projection having an arc length that extends over a 180 degree arc.**”

Accordingly, Applicants respectfully submit that independent claim 1, as amended, distinguishes over the above-cited references. Claims 3, 5, 6, 8-10, and 12 all depend directly or indirectly from independent claim 1, as amended. Therefore, Applicants respectfully submit that claims 3, 5, 6, 8-10, and 12 distinguish over the above-cited references for the same reasons as set forth above with respect to independent claim 1, as amended.

Independent claim 13 and 24, as amended, recite limitations similar to independent claim 1, as amended. Specifically, independent claim 13, as amended, recites that “when said hub is locked at the first position in relation to said cylindrical sheath a pair of tips of said pair of flexible extension arms releasably engages the groove, and said locking tab includes **a projection** that is inserted through the slot in

the cylindrical sheath to **directly engage the shoulders** of the pair of flexible extension arms, said **cannula joined to said hub being axially rotateable relative to said cylindrical sheath at said locked first position.**"

Independent claim 13, as amended, recites that "said cannula joined to said hub being **axially rotateable** relative to said cylindrical sheath at said locked first position".

The Shaw I reference and the Shaw II reference do not disclose, teach, or suggest the winged safety needle assembly specified in independent claim 13, as amended. The Shaw I reference and the Shaw II reference do not show that "said cannula joined to said hub being axially rotateable relative to said cylindrical sheath at said locked first position".

The Shaw I reference states that "there are no rotating parts". (Col. 3, line 36). Figure 4 of the Shaw I reference shows the needle holder 14 with opposing arms 38. In Figure 3B, needle end 34 of the needle holder 14 has structures 33 which are used to hold glue to attach needle 16 (Col. 6, line 60). Figure 5 of the Shaw I reference shows the device body 12. When the needle holder 14 with the attached needle 16 is contained within the device body 12, the needle holder 14 with the attached needle 16 cannot rotate relative to the device body 12.

The Shaw II reference states that "the housing and retraction body are slidingly moveable, but equipped with cooperating surfaces which maintain the orientation of the retraction body relative to the housing. This **prevents** the retraction body and the needle fixed therein **from rotating relative to the housing**. Preferred cooperating surfaces are a flat surface in the floor of the housing and a corresponding flat surface on the retraction body that slides along the flat surface of the in housing. Cooperating surfaces other than at the bottom of the retraction body and the housing are

contemplated to maintain angular orientation of the retraction body relative to the housing.” (Col. 3, lines 6-17)

Accordingly, amended independent claim 13 distinguishes over the above-cited references. Claims 15, 17, 19-21, and 23 all depend, directly or indirectly, from amended independent claim 13. Accordingly, Applicants respectfully submit that claims 15, 17, 19-21, and 23 distinguish over the above-cited references for the same reasons as set forth above with respect to independent claim 13, as amended.

Independent claim 24, as amended, recites “when said hub is locked at the first position in relation to said cylindrical sheath a pair of tips of said pair of flexible extension arms releasably engages the groove, and said **locking tab** includes a projection that is inserted through the slot in the cylindrical sheath to **directly engage** the shoulders of the pair of flexible extension arms”.

Independent claim 24, as amended, also recites that “said cannula joined to said conical shaped head both being **axially rotateable** relative to said cylindrical sheath at said first position”. Applicants have also added new dependent claim 36 to further define the invention.

Accordingly, amended independent claim 24 distinguishes over the above-cited references. Claims 26, 29, 31-33, 35, and 36 all depend, directly or indirectly, from amended independent claim 24. Accordingly, Applicants respectfully submit that claims 26, 29, 31-33, 35, and 36 distinguish over the above-cited references for the same reasons as set forth above with respect to independent claim 24, as amended.

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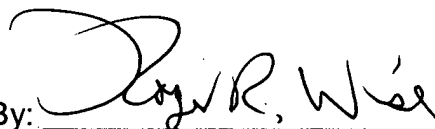
Applicants believe that the foregoing amendment and remarks place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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